

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/631,343	APPARAO ET AL.	
	Examiner	Art Unit	
	Kieu D. Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to The Amendment filed 12/02/05.
2.  The allowed claim(s) is/are 1-21 and 26-37 (renumbered as 1-33).
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 12/02/05.

Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative Donald Hendricks on 02/16/06.

4. In the drawings:

Applicant agrees that the formal drawing set will be filed upon receiving the Notice of Allowance.

Applicant also agrees that Fig. 5 of the formal drawing will include the following change:

In regard to section 1 for image A, replace "Total Score 112" with "Total Score 142".

5. In the specification:

On page 7, line 21 of the Application as filed, after "In a preferred embodiment" and before "36 also takes into account", please replace "step, the" with ", step".

On page 11, line 17 of the Application as filed, after “once for a total score of” and before “. In Session 1, for image B”, please replace “112” with “142”.

On page 11, line 18 of the Application as filed, after “score of six, viewed the image” and before “, edited it once, and printed it”, please replace “twice” with “five times”.

6. In the claims:

The Claims have been amended as follows:

Claim 4. The method of Claim 1, further comprising the steps step of:  
~~assigning scores to each of said digital assets based on said use of said digital assets;~~

re-ranking said digital assets only if a score of a first digital asset exceeds a score of a second previously higher ranked digital asset by a predetermined threshold.

Claim 6. The method of Claim 5 1, further comprising the step of:  
~~wherein at least one of said accessed digital file assets comprises a digital image, and wherein said transporting comprises any of assigning scores for viewing, editing, and transmitting or and receiving a said digital image, said ranking step comprising the step of processing at least one of said assigned scores.~~

Claim 12. A system for managing a plurality of digital assets, comprising:

a memory for storing a plurality of digital assets;

a processor in communication with said memory for manipulating said plurality of digital assets;

means for monitoring access to said digital assets by a user;

means for identifying one or more types of manipulation of said accessed digital assets by a said user associated with said monitored access, wherein said types of manipulation comprise any of passive playback, passive viewing, activation, sharing, transporting, and editing;

means for assigning a score based on each identified type of manipulation by said user associated with said monitored access;

a ranking module in communication with said score assignment means to rank said digital assets based on accumulation of said assigned scores; and

means for hierarchically storing said ranked digital assets in said memory based on said rank of said digital assets, whereby higher ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets.

Claim 18. The system of Claim 12, wherein said digital assets stored in said memory comprise digital images, ~~said ranking module being configured to use scores assigned to said digital images to calculate a ranking of said digital images, said scores being based on specific user manipulations of said digital images, and wherein said transporting comprises comprise any of editing, viewing, and transmitting or and receiving of said digital images.~~

***Allowable Subject Matter***

7. Claims 1-21 and 26-37 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1, 12, and 26, the prior art of record do not teach or suggest "assigning a score based on each identified type of use by said user" and "ranking" digital assets based on "accumulation of said assigned scores" such that "highly ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets" in specific combinations recited in independent claims 1, 12, and 26.

Regarding independent claims 32 and 35, the prior art of record do not teach or suggest "assigning a first score to a Uniform Resource Locator (URL) based on the length of time spent by said user visiting Web page represented by said URL and a second score if said user downloads digital information from a Web site associated with said URL" in specific combinations recited in independent claims 32 and 35.

Regarding independent claims 33 and 36, the prior art of record do not teach or suggest "said ranking module is in communication with said processor to assign a first score to a first digital image when said processor accesses said first digital image for viewing and to assign a second score to a second digital image if said processor accesses said second digital image for editing." in specific combinations recited in independent claims 33 and 36.

Regarding independent claims 34 and 37, the prior art of record do not teach or suggest "said ranking module is in communication with said processor to

assign a first score to a first digital audio file when said processor accesses said first digital audio file for playback and to assign a second score to a second audio file if said processor accesses said second digital audio file for editing" in specific combinations recited in independent claims 34 and 37.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu D. Vu  
Primary Examiner